

From: Bob Perciasepe/DC/USEPA/US
Sent: 4/7/2012 2:19:51 PM
To: Brendan Gilfillan/DC/USEPA/US@EPA
CC:
Subject: Re: Need help

OK
Like wise
Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c) Ex. 6 - Personal Privacy

----- Original Message -----

From: Brendan Gilfillan
Sent: 04/07/2012 02:02 PM EDT
To: Bob Perciasepe; Bob Sussman
Subject: Re: Need help

Will be at a computer in a cpl hours and (Ex. 5 - Deliberative)

----- Original Message -----

From: Bob Perciasepe
Sent: 04/07/2012 11:21 AM EDT
To: Brendan Gilfillan; Bob Sussman
Subject: Need help

Ex. 5 - Deliberative

Call my cell if you want to talk

Bob Perciasepe
Deputy Administrator
(o) 202 564 4711

Ex. 6 - Personal Privacy

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 04/07/2012 11:21:40 AM-----

----- Original Message -----

From : Ex. 6 - Personal Privacy
To : Bob Perciasepe/DC/USEPA/US@EPA
Cc :
Sent on : 04/07/2012 09:48:44 AM
Subject : Ex. 5 - Deliberative

<http://www.usnews.com/opinion/blogs/on-energy/2012/04/06/lisa-jacksons-epa-has-gone-rogue>

Lisa Jackson's EPA Goes Rogue

US News and World Report's On Energy blog

April 6, 2012

By Daniel Kish

Just in case the American public needed more evidence that Lisa Jackson's Environmental Protection Agency has gone rogue, federal regulators were forced to drop the Obama administration's lawsuit against Range Resources Corporation over alleged groundwater contamination in Texas. The EPA had jumped the gun when it ordered Range Resources to fix alleged contamination in wells in Parker County, Texas, and now the agency must reverse course after failing to conduct the necessary scientific research regarding natural gas drilling and alleged contamination of groundwater.

In December 2010, the agency accused Range Resources of allowing natural gas to seep from its wells into groundwater. The EPA said it had conducted an analysis comparing the chemical composition of Range's natural gas wells with the natural gas found in the water wells and declared that there was a match. The agency then ordered Range to halt production, fix its wells, and provide water to the landowners.

The EPA bypassed the Texas Railroad Commission (which regulates drilling in Texas) and sued Range Resources to enforce its order. But as the agency prepared its lawsuit, it became clear that the EPA would have a difficult time showing that Range's activities had resulted in any contamination for the simple reason that nearby wells had high concentrations of natural gas prior to when Range started drilling for natural gas. While it makes for great public relations to scare folks with stories of natural gas in association with well water, geologists will point out that people reported lighting water from wells over 100 years ago in energy rich parts of the world.

In a rush to regulatory judgment, the EPA wanted to assert the agency's authority and make a case for why federal instead of state officials should regulate drilling. In the end, however, the EPA was forced to admit that the Texas Railroad Commission had science on their side.

Neither did the EPA have the science to back up their claims that hydraulic fracturing and drilling had caused groundwater contamination in Dimock, Penn., and in Pavilion, Wyo. In Dimock, the agency tried to push aside the Pennsylvania regulators and claim that drilling had led to the "presence of hazardous substances at the Dimock Residential Groundwater Site." The EPA then publicly announced plans to supply drinking water to Dimock residents. But after months of study, the agency concluded that water in Dimock was safe, just as the Pennsylvania state regulators had claimed. Their press office was not so busy on the retraction.

The same pattern was repeated in Pavilion, Wyo. The agency released a report claiming groundwater contamination as a result of natural gas drilling and hydraulic fracturing. But again, after the state of Wyoming objected to their product, it became clear that the EPA did not have science on its side. The agency's testing methodology was flawed and they now say they will work with the state of Wyoming to conduct the testing properly.

In Texas, Pennsylvania, and Wyoming, the EPA has rushed to claim that natural gas production is associated with groundwater contamination. In all three cases, the agency has had to recant and conduct further analysis because of repeated breaches of standard scientific protocols. The EPA appears to be trying to expand its regulatory authority by creating press stories, but their science is not holding up. States know much more about their water, their communities, and the local conditions than an agency in Washington, D.C., and that is why then-Sen. Barack Obama voted for a 2005

energy bill stipulating that regulation of these activities was properly the role of the states.

Both the dramatic drop in natural gas prices and the huge increase in shale oil production on private and state lands are due to the hydraulic fracturing process that President Obama voted to ensure was regulated by states. Why, then, does the EPA keep ringing the false alarm, only to later retract their claims when confronted with the flaws in their science? That would be a good question for President Obama to ask his EPA administrator.

-- Daniel Kish is the senior vice president for policy at the Institute for Energy Research.